



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 22nd day of January, 2004

Emergency Application of

**MIDWAY AIRLINES CORPORATION
and
ASCENT AIRLINES, INC.**

for approval of the transfer of operating authority pursuant
to 49 U.S.C. 41105

Served: January 27, 2004

Docket OST-03-16626

ORDER DISMISSING APPLICATION

On December 3, 2003, Midway Airlines Corporation and Ascent Airlines, Inc., filed a joint application in Docket OST-03-16626 requesting approval of the transfer of Midway's operating authority to Ascent pursuant to 49 U.S.C. §41105.

On January 9, 2004, Midway and Ascent advised us that they were withdrawing their application due to the Midway Bankruptcy Court having approved the sale of Midway's assets to another entity.

In light of the above, we have decided to dismiss the transfer application of Midway and Ascent in Docket OST-03-16626 without prejudice.

ACCORDINGLY, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We dismiss, without prejudice, the application filed in Docket OST-03-16626 by Midway Airlines Corporation and Ascent Airlines, Inc.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall be effective and become the final action of the Department of Transportation upon the expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

Randall D. Bennett
Director
Office of Aviation Analysis

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<http://dms.dot.gov>*

Service List for Midway Airlines Corporation and Ascent Airlines, Inc.

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